



Security Council

PROVISIONAL

S/PV.2841

11 January 1989

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
EIGHT HUNDRED AND FORTY-FIRST MEETING

Held at Headquarters, New York,
on Wednesday, 11 January 1989, at 3.30 p.m.

President: Mr. RAZALI

(Malaysia)

Members: Algeria
Brazil
Canada
China
Colombia
Ethiopia
Finland
France
Nepal
Senegal
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America
Yugoslavia

Mr. DJOUDI
Mr. NOGUEIRA-BATISTA
Mr. FORTIER
Mr. LI Luye
Mr. PEÑALOSA
Mr. TADESSE
Mr. TORNUDD
Mr. BROCHAND
Mr. RANA
Mr. BA
Mr. BELONOGOV
Sir Crispin TICKELL
Mr. OKUN
Mr. KOTEVSKI

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The meeting was called to order at 4.45 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 4 JANUARY 1989 FROM THE CHARGE D'AFFAIRES A. I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20364)

LETTER DATED 4 JANUARY 1989 FROM THE CHARGE D'AFFAIRES A. I. OF THE PERMANENT MISSION OF BAHRAIN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20367)

The PRESIDENT: In accordance with the decisions taken at the previous meetings on this item, I invite the representative of the Libyan Arab Jamahiriya to take a place at the Council table; I invite the representatives of Afghanistan, Bahrain, Bangladesh, Burkina Faso, Cuba, Czechoslovakia, Democratic Yemen, the German Democratic Republic, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, Madagascar, Mali, Malta, Morocco, Nicaragua, Pakistan, Poland, Romania, the Sudan, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, Yemen and Zimbabwe to take the places reserved for them at the side of the Council Chamber.

At the invitation of the President, Mr. Treiki (Libyan Arab Jamahiriya) took a place at the Council table; Mr. Dost (Afghanistan), Mr. Shaker (Bahrain), Mr. Mohiuddin (Bangladesh), Mr. Dah (Burkina Faso), Mrs. De Florez Prida (Cuba), Mr. Zapotocky (Czechoslovakia), Mr. Al-Alfi (Democratic Yemen), Mr. Zachmann (German Democratic Republic), Mr. Dasgupta (India), Mr. Madarshahi (Islamic Republic of Iran), Mr. Khamsy (Lao People's Democratic Republic), Mr. Rakotondramboa (Madagascar), Mr. Diakite (Mali), Mr. Borg Olivier (Malta), Mr. Bennouna (Morocco), Mr. Sevilla Boza (Nicaragua), Mr. Shah Nawaz (Pakistan),

Mr. Noworyta (Poland), Mr. Tanasie (Romania), Mr. Adam (Sudan), Mr. Al-Masri (Syrian Arab Republic), Mr. Karoui (Tunisia), Mr. Kamunanwire (Uganda), Mr. Al-Suwaidi (United Arab Emirates), Mr. Mansour (Yemen) and Mr. Midenge (Zimbabwe) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT: I should like to inform the Council that I have received letters from the representatives of Bulgaria, Mongolia and the Byelorussian Soviet Socialist Republic in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Stresov (Bulgaria), Mr. Maksimov (Byelorussian Soviet Socialist Republic) and Mr. Dugersuren (Mongolia) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT: I should like to inform the Council that I have received a letter dated 9 January 1989 from the Alternate Permanent Observer of Palestine to the United Nations, which reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite the Alternate Permanent Observer of Palestine to the United Nations to participate in the debate on the item entitled 'Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/20364)' and 'Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission

(The President)

of Bahrain to the United Nations addressed to the President of the Security Council (S/20367) '."

The request is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Security Council, but if it is approved the Council will invite the Alternate Permanent Observer of Palestine to participate, not under rule 37 or rule 39, but with the same rights of participation as under rule 37.

Does any member of the Security Council wish to speak on this request?

Mr. OKUN (United States of America): The United States will vote against the proposal before the Security Council on two grounds. First, we believe that the Council does not have before it a valid request to speak. Secondly, the United States maintains that the Observer of the Palestine Liberation Organization (PLO) should be granted permission to speak only if the request complies with rule 39 of the rules of procedure. In our view, it would be unwarranted and unwise for the Council to break with its own practice and its own rules.

Members of the Security Council, let us ask ourselves this question. Does a decision to break with our own rules and procedures enlarge or diminish the Council's ability to play a constructive role in the Middle East peace process? My delegation firmly believes such a decision diminishes the Council's ability to play such a role.

As all members of the Council are aware, it is a long-standing practice that Observers do not have the right to speak in the Security Council at their own request. Rather, a request must be made on the Observer's behalf by a Member State. My Government sees no justification for any departure from existing practice.

(Mr. Okun, United States)

It is clear that General Assembly resolutions are not binding on the Security Council. In any event, there is nothing in resolutions recently adopted by the General Assembly that would warrant a change in Security Council practice. General Assembly resolution 43/177, which purported to change the designation of the PLO Mission, did so

"without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice".

That resolution does not constitute recognition of any State of Palestine, and the United States and the majority of the Members of the United Nations do not recognize such a State. Additionally, we note that in his letter to the President of the Security Council the observer of the Palestine Liberation Organization asked to participate in the debate on the Libyan incident

"in accordance with [the] previous practice"
of the Security Council.

The United States has consistently taken the position that under the provisional rules of procedure of the Security Council the only legal basis on which the Council may grant a hearing to persons speaking on behalf of non-governmental entities is rule 39.

For four decades the United States has supported a generous interpretation of rule 39 and would not object had this matter been appropriately raised under that rule. We are, however, opposed to special ad hoc departures from orderly procedure.

The United States consequently opposes extending to the PLO the same rights to participate in the proceedings of the Security Council as if that organization represented a Member State of the United Nations. We believe in listening to all points of view, but not if that requires violating our own rules. In particular, the United States does not agree with the recent practice of the Security Council,

(Mr. Okun, United States)

which appears selectively to try to enhance the prestige of those who wish to speak to the Council through a departure from the rules of procedure. We consider this special practice to be without legal foundation and to constitute an abuse of the rules.

For all those reasons the United States requests that the terms of the proposed invitation be put to the vote. Of course, the United States will vote against the proposal.

The PRESIDENT: If no other member of the Council wishes to speak at this stage, I shall take it that the Council is ready to vote on the request by Palestine.

It is so decided.

A vote was taken by show of hands.

In favour: Algeria, Brazil, China, Colombia, Ethiopia, Finland, Malaysia, Nepal, Senegal, Union of Soviet Socialist Republics, Yugoslavia

Against: United States of America

Abstaining: Canada, France, United Kingdom of Great Briain and Northern Ireland

The PRESIDENT: The result of the voting is as follows: 11 votes in favour, 1 against and 3 abstentions. The request has therefore been approved.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took the place reserved for him at the side of the Council Chamber.

The PRESIDENT: I shall now call on those representatives who have asked to be allowed to make statements after the voting.

Sir Crispin TICKELL (United Kingdom): With regard to the request that has just been approved, as a result of which the Alternate Permanent Observer of Palestine will take part in the current debate in the Council, the United Kingdom abstained, as it did in the past when similar proposals were made regarding the participation of the Palestine Liberation Organization in the Council's proceedings.

(Sir Crispin Tickell, United Kingdom)

Our abstention on this occasion - and in the future if the same proposal should be made again - does not mean that the United Kingdom has recognized the State of Palestine, as proclaimed unilaterally by the Palestine National Council on 15 November 1988 in Algiers. Our abstention should not be taken as implying any change in my Government's position on that matter.

Mr. FORTIER (Canada) (interpretation from French): Canada abstained in the vote on the request to allow the Alternate Permanent Observer of Palestine to address the Security Council directly, because the request did not conform with the procedure followed in the past, when the proposal was made by a sponsor country.

Canada also wishes to draw the attention of members of the Council to General Assembly resolution 43/177 on the question of Palestine, which does not change the procedure and whose operative paragraph 3 is explicit in that respect. Canada does not oppose the Observer of Palestine's being heard in United Nations bodies, but it believes that the past procedure should continue to be followed. Furthermore, Canada recalls that it has not recognized the Palestinian State proclaimed in Algiers.

With regard to communications between Palestine and the United Nations and its various organs, Canada believes that General Assembly resolution 43/168, which is relevant in this case, plainly addresses the direct circulation of those communications as official documents of the United Nations and its various organs.

Mr. TORNUDD (Finland): My delegation's vote was based on the belief that the representative of the Palestine Liberation Organization (PLO) should be given the opportunity to participate in the Security Council debate in accordance with previous practice. I wish to make it clear, however, that we do not regard the outcome of the vote as a change in the observer status of the PLO at the United Nations. For good or ill, the practice of granting an invitation to participate in

(Mr. Tornudd, Finland)

Council debates, without the right to vote, has been given very wide application in recent years. In our view it should follow from today's decision that States which are not Members of the United Nations must also be entitled to have their requests to participate submitted to the Council for a decision without intermediaries.

The PRESIDENT: I should like to inform the Council that I have received a letter dated 11 January 1989 from the Permanent Representative of Algeria to the United Nations, which reads as follows:

"I have the honour to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Ambassador Clovis Maksoud, Permanent Observer of the League of Arab States to the United Nations, during the Council's discussion of the item presently on its agenda".

That letter will be published as a document of the Security Council under the symbol S/20390.

If I hear no objection, I shall take it that the Security Council decides to extend an invitation to Mr. Maksoud in accordance with rule 39 of its provisional rules of procedure.

There being no objection, it is so decided.

The Security Council will now continue its consideration of the item on the agenda.

Members of the Council have before them document S/20378, which contains the text of a draft resolution submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia.

I should like to draw the attention of members of the Council to the following documents: S/20385, letter dated 6 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Ghana to the United Nations addressed to the Secretary-General; and S/20386, letter dated 10 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the Secretary-General.

The first speaker is Mr. Clovis Maksoud, Permanent Observer of the League of Arab States to the United Nations, to whom the Council has extended an invitation

(The President)

under rule 39 of its provisional rules of procedure. I invite him to take a place at the Council table and to make his statement.

Mr. MAKSOUD: Mr. President, I should like first to extend my appreciation to you and, through you, to the other members of the Council for allowing me to speak on the very crucial issue which is under consideration today. The position of the League of Arab States was clearly spelt out by my colleague, Mr. Samir Mansouri, at the beginning of this debate, when he clarified the position of the League of Arab States. Since that time several developments have taken place which make it necessary to elaborate on some aspects of the debate and on the issues that have arisen in the wake of the United States attack on two Libyan Arab Jamahiriya planes.

I share in the collective appreciation of the fact that Malaysia, a very close friend of the Arab world, a country with which we have the closest political, diplomatic and spiritual ties, is sitting on the Council for the first time as President. That is a tribute to your stature - to your country and to you personally, Sir.

I should also like to take this opportunity to express my appreciation to the Council for extending an invitation to a member State of the League of Arab States, the State of Palestine. The enhanced legal and juridical position that it achieved when the General Assembly was discussing the question of Palestine in Geneva must be reflected in all the organs of the United Nations system.

It was a matter of puzzlement that an invitation to the Permanent Observer of Palestine to speak should in any way detract from the role which the Security Council is expected to play in the peace process in the Middle East. I think that the participation and input of Palestine in the various debates, factored into the collective wisdom of the world community, will expedite the process. I hope that

(Mr. Maksoud)

this will be reflected in the forthcoming debates on many issues of direct concern to the people of Palestine and to the world community.

It seems that we are gradually developing into experts on military logistics. I do not claim that this is within my own expertise or that of many others here today. However, it is important that we try as far as possible to analyse the intent of the United States when it attacked the two Libyan Arab Jamahiriya planes. The attack was preceded by a campaign against the Libyan Arab Jamahiriya alleging that there was a so-called chemical weapons compound in the Rabta region. The Government of the United States, many people in Congress and the media had been waging a campaign of psychological warfare against Libya. Therefore, the situation was charged - and, if I may say so, poisoned - by attempting to target Libya as a potentially vulnerable State for attack by the United States. The allegation that there is a chemical weapons factory would have been the pretext.

Yet when the Security Council was seized of the question as a result of the complaint by the Libyan delegation the representative of the United States denied that the downing of the two Libyan planes had anything to do with the Rabta plant. An attempt was made to decouple the attack on the two planes from the allegation of a potential option of attacking the Rabta plant. Simultaneously, the campaign continued against Libya's alleged chemical weapons factory so that it could be orchestrated with the Paris Conference. Then yesterday the United States signalled Libyan airports that naval exercises by the Sixth Fleet would take place in the Mediterranean near Libya's coast.

(Mr. Maksoud)

In addition, there were so-called leaks about United States intelligence reports on all sorts of European technical and scientific assistance to Libya, with overt pressure on many Governments and factories in Europe and Japan to prevent the flow of commerce and technical assistance that is characteristic of the relationship between the developed industrial world and the developing countries.

That was the context, whether the attack was a result of the campaign focusing on the so-called production of chemical weapons or whether it was separate and therefore an accident, with no relationship to the psychological campaign to render Libya an outcast, deprived of the support that the international community seeks to give it.

Then yesterday The Washington Post reported that there had been discrepancies in the Pentagon statements concerning the downing of the two Libyan planes. The rules of engagement seem to fluctuate, to give subsequent justification for dangerous, hasty, unwarranted and unjustified attacks and inaccurate and imprecise statements. Listen to Mr. Howard, a spokesman for the Defense Department:

"The rules have been gradually amended to give the guy in the cockpit more flexibility to defend himself when he thinks"

- I emphasize "when he thinks" -

"there is a hostile intent."

"'Warning yellow' means that attack by hostile aircraft is possible",

Mr. Howard added.

And although "weapons hold" means what every dictionary says it means, here it broadens, to an undetermined extent, the discretionary prerogatives of the pilots in question.

That is worrying, because if in situations of tension the chain of command is subordinate to the pilot on the spot and "weapons hold" or not becomes a matter of

(Mr. Maksoud)

his own discretionary judgement, then the political leadership, and even the military leadership, can no longer control the ultimate exercise of the prerogative on the spot. If that is allowed, it can be the justification for anybody on the spot to take the initiative under the pretext that he had the discretionary power, which, Mr. Howard says, keeps on evolving; it evolves in a manner whereby the pilot has the absolute power to determine what to do. If that is so, it is very dangerous, because it means the proliferation of areas of command and chains of command; in fact, at the critical moment the chain is cut and those on the spot have autonomy in decision-making.

If that is not the case; if the incident was related to the command, and from there to the superior commander; if the chain of command was not interrupted, and what happened was ratified by the political leadership; then the attack on the two Libyan planes was deliberate, programmed and intended. Either it was intended, and therefore the chain of command from the political leadership down to the pilot was responsible, or it was not intended and "warning yellow" was given to the pilot to act on his own initiative, because he determined subjectively that there was hostile intent. If the latter alternative is true there is potential for anarchy in conflict-resolution throughout the world community.

It is in this respect that the Council's deliberations assume tremendous importance - and not only in terms of the incident itself, the attack itself. The Council now has a new role, a new function, in dealing with an issue that should focus, once and for all, on the potentialities of proliferation of chains of command at all levels. When such an incident occurs, preceded by a poisoned atmosphere of tension, with Libya a potential target, the psychological tension must

(Mr. Maksoud)

be such as to enable the pilot and the political leadership to provide subsequent justification for an attack on anybody. It is this that really goes to the problems of international security.

In the next few days the Sixth Fleet is to carry out manoeuvres. I wonder whether it is necessary that they should be conducted now, unless they are intended to be the last hurrah of the Reagan Administration. The world community expects of the new Administration a more pragmatic, more sensitive approach to international conflicts and disputes. It expects the United States Administration, in the new era of international détente, to be less disposed to bring us continuously to the brink of conflict and arouse tensions. The heightened psychological atmosphere in which the manoeuvres take place will create a situation in which hostile intent becomes a matter of total subjectivity.

That is why the Libyan delegation came to the Security Council to foreclose that option, to enable a sense of security to prevail, to enable the international community not always to live on the edge of conflict. That is the main significance of the Council's deliberations. There have been attempts to create vendettas, long planned, to enable Libya to become an arena to vent the frustrations of a small but influential element in the United States Congress and Administration and in the media. That element has perceived the growing détente at the international level between the two super-Powers and the dialogue between the Palestine Liberation Organization (PLO) and the United States. It believes that those two policies initiated in recent months should be curbed; because they cannot be curbed, they have to be derailed. The attack on Libya was an attempt to derail those positive developments internationally and in terms of the PLO-American dialogue.

(Mr. Maksoud)

I have felt constrained to elaborate on the intentions of the United States in its recent act of aggression against Libya. But we see in the near future, as I mentioned, a new Administration. The leader of Libya, Mr. Qaddafi, has stated that he would welcome a dialogue between the new President of the United States and Libya, and rational voices are emerging in many quarters of the United States about the need to resolve the dispute bilaterally. Moreover, only today a statement was issued at the Paris Conference that the United States, Libya and the rest of the international community had agreed to a consensus resolution. That must give an opportunity to defuse the present tension. What has taken place at the Paris Conference is a convergence, a consensus that should work.

Therefore, as one who is eager that Arab-American relations should not be derailed and fall into the pitfalls of irrationality and provocation, I feel that this is the time for the United States to make a gesture to the international community by deciding not to conduct manoeuvres in the Mediterranean on 17 January. To do so would mean persisting in provocative acts that would poison the atmosphere and negate the progress that has taken place at all levels - global and regional. Such a decision would nullify the negative impact of the attack on Libya. Since the Paris document has been universally applauded and accepted, it augurs well for the future. Its promise should not be jeopardized by what I call "the last hurrah".

It is in this spirit that we feel that the Council's deliberations have brought about a heightened level of consciousness. They have given an opportunity to voice indignation about the attack, but at the same time perhaps have opened up new vistas for more rationality and sanity in the conduct of international affairs.

The PRESIDENT: I thank Mr. Maksoud for his kind words addressed to me.

The next speaker is the representative of Bulgaria. I invite him to take a place at the Council table and to make his statement.

Mr. STRESOV (Bulgaria): I should like to associate myself with the previous speakers who have expressed condolences to the people and Government of Japan on the occasion of the loss of Emperor Hirohito.

At the outset I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of January and to wish you every success in the discharge of your responsible mission. My appreciation also goes to Ambassador Hideo Kagami of Japan for his able guidance of the Council's work last month.

Please allow me also to greet, through you, Sir, the other new members of the council - Canada, Colombia, Ethiopia and Finland - and wish them every success and fruitful participation in the Council's work. I wish also to pay tribute to the delegations of Argentina, the Federal Republic of Germany, Italy, Japan and Zambia for their genuine contributions as members to the work of the Security Council over the past two years. We remember our close co-operation with them when Bulgaria was on the Council in 1986 and 1987.

We view with great concern and apprehension the incident off the coast of Libya involving the downing of two Libyan planes by United States naval fighter planes. We fully understand and approve of the reasons which prompted the Libyan Government to ask for the convening of the Security Council and to voice its legitimate complaint. The use of force by the United States is unacceptable and represents a serious threat to the security and stability of a sovereign State; it is an act that is in violation of international law. It is also contrary to the significant improvement in the overall atmosphere in international relations at a time when strenuous efforts are being made to find political solutions to complex issues. As previous speakers stressed, this act is likely to worsen further the

(Mr. Stresov, Bulgaria)

situation in the broader area of the Mediterranean and to hinder the general trend towards breaking the deadlock in the Middle East settlement process.

We have joined other countries on several occasions in urging the withdrawal of foreign fleets, in particular those carrying nuclear weapons, from the Mediterranean as a condition which can bring about secure peace and foster co-operation and a collective search for constructive solutions.

My delegation would like to believe that this serious incident will remain an isolated one. We hope that there will be no further demonstration of force and escalation of confrontation, and that all parties will demonstrate the maximum restraint. In our view, all differences and disputes between States should be settled through dialogue and negotiation. The Security Council, which is the principal body of the United Nations for the maintenance of international peace and security, is duty bound to find the best solution to the issue.

The PRESIDENT: I thank the representative of Bulgaria for his kind words addressed to me.

The next speaker is the representative of the Byelorussian Soviet Socialist Republic. I invite him to take a place at the Council table and to make his statement.

Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) (interpretation from Russian): First of all, allow me to congratulate you, Mr. President, on your assumption of this important and responsible post and to express the conviction that, under your capable leadership, the Security Council will successfully deal with the tasks facing it.

We are pleased to welcome the new members of the Security Council - Canada, Colombia, Ethiopia, Finland and Malaysia - and to wish the representatives of those countries a very successful and fruitful participation in the work of the Council. We would also like to thank you and the members of the Security Council for giving our delegation the opportunity to take part in the discussion of the item on its agenda.

The Byelorussian delegation joins previous speakers in expressing its condolences on the passing of Emperor Hirohito to the people and Government of Japan, as well as to the bereaved family.

It was with great concern and alarm that we heard the news of the destruction of the two Libyan aircraft by United States naval fighters off the coast of Libya.

In the course of this discussion, the representatives of a number of countries have quite rightly pointed out that that incident is all part of a policy of whipping up an anti-Libyan campaign, one that the United States has been waging in connection with the building in Rabta of a pharmaceutical plant that it claims is designed to produce chemical weapons. However, the leader of the Libyan revolution, Muammar Qaddafi, has offered to arrange a visit to that plant by representatives of the diplomatic corps and foreign journalists. In the circumstances, attempts to justify the use of force against Libya, particularly by references to Article 51 of the United Nations Charter, are untenable and in contravention of the United Nations Charter and of international law.

(Mr. Maksimov, Byelorussian SSR)

As Mikhail Sergeivich Gorbachev stressed in a statement made on 6 January this year in Moscow:

"The time for a policy of force, when the views of one country could be imposed upon the entire world community, is gone forever, and the sooner all members of the world community understand that, the better it will be for all of us."

To agree with the one-sided charges and arbitrary actions of the United States against Libya would mean that the international community had resigned itself to the course of events, which would be dangerous for international peace and security and a blow to the distinct trend towards resolving conflict situations by peaceful means.

It is no accident, therefore, that the United States actions have aroused universal concern. The Co-ordinating Bureau of the Movement of Non-Aligned Countries viewed the latest action against the Libyan aircraft as "planned and deliberate" (S/20377).

The recent tragic events have highlighted the question of adopting practical measures to strengthen security in the Mediterranean and of transforming that region into a zone of peace and co-operation through a collective search for constructive solutions. In that regard the proposals of the Soviet Union for the adoption of agreed confidence-building measures in the Mediterranean, a reduction of the armed forces deployed there and the withdrawal of vessels carrying nuclear weapons are particularly timely.

In light of the positive changes occurring in the world, what is needed now is a demonstration of new political thinking, an acknowledgment of the right of every country to make its own choices and non-intervention in the internal affairs of other States. The sooner members of the world community understand the need for building international relations on the basis of the renunciation of a policy of

(Mr. Maksimov, Byelorussian SSR)

force and for taking into account a wide variety of interests, the less likelihood of a repetition of such incidents there will be. It is the task of all of us to encourage the establishment in practice of new approaches in international matters, to promote collectively the achievement of non-confrontational dialogue and to practise the utmost restraint and responsibility.

The Security Council, under the United Nations Charter, must do everything in its power to prevent any further dangerous development of events around Libya and to bring the situation in the region back to normal as soon as possible.

The PRESIDENT: I thank the representative of the Byelorussian Soviet Socialist Republic for his kind words addressed to me.

The next speaker is the representative of Mongolia. I invite him to take a place at the Council table and to make his statement.

Mr. DUGERSUREN (Mongolia) (interpretation from Russian): First of all, we should like to express our gratitude to you, Sir, and to all members of the Security Council for giving us this opportunity to speak on the item now under consideration and to set forth briefly the position of the Government of the Mongolian People's Republic on that question.

Permit me once again to extend to you our sincere congratulations on the election of your country, the friendly country of Malaysia, to membership of the Security Council and on your assumption of the responsible functions as President of the Council for the month of January.

I should like to take this opportunity to express our profound condolences to the delegation of Japan on the passing away of Emperor Hirohito.

We also join previous speakers in warmly congratulating the new members of the Security Council - Canada, Colombia, the People's Democratic Republic of Ethiopia, Finland and Malaysia.

(Mr. Dugersuren, Mongolia)

Our delegation is profoundly alarmed at the fact that the beginning of the new year, to which the international community looked forward with so much optimism, should have been overcast by such a dangerous event, one that has become the subject of concerned discussion in the Security Council. The whole world has witnessed new provocative actions by the United States armed forces, actions that pose a threat to peace and security in the Mediterranean and beyond.

On 4 January this year United States naval fighters shot down two military aircraft of the Libyan Arab Jamabiriya that were patrolling the airspace off the coast of their country. No matter how the guilty party may try to justify itself, it cannot avoid the severe condemnation of the international community, which is doing everything in its power to preserve and increase the new positive changes in the area of strengthening international peace and co-operation. The meetings of the Security Council on the item under discussion over the past few days have well illustrated that point.

The Mongolian delegation shares the view expressed in the communiqué of the Co-ordinating Bureau of the Movement of Non-Aligned Countries of 5 January this year, which stressed that the build-up of United States military forces in the vicinity of the Libyan coast was undertaken with the aim of committing aggression and not simply for carrying out manoeuvres.

Our Government vigorously opposes those dangerous actions on the part of the United States, which deliberately violated Libya's sovereignty, the norms of international law and the United Nations Charter. Those actions are profoundly inimical to the current favourable trend in international relations, which has been marked by a renunciation of strong-arm tactics and policies and by a growing spirit of restraint, dialogue and conciliation.

(Mr. Dugersuren, Mongolia)

The intensive campaign against the Libyan Arab Jamahiriya and the new act of provocation by United States armed forces against it are a clear expression of great-Power arrogance and of a policy based upon the United States outmoded world-leadership concept. Those actions demonstrate once again that the stubborn pursuit of unrealistic policies often leads to reckless deeds with unforeseeable consequences. In that connection we note that many of us were much concerned by the negative, discordant and lonely voice of the United States at the last session of the General Assembly with regard to the question of strengthening international and multilateral efforts to resolve current world problems in the interests of mankind as a whole. The negative attitudes adopted by the United States with regard to many vitally important problems of disarmament, development and international co-operation have often struck a discordant note in the Assembly. It is precisely that approach that has helped to create crises throughout the world.

The Mongolian People's Republic wishes to express its solidarity with the people and Government of the Libyan Arab Jamahiriya, which has constantly been subjected to naked pressure and provocative acts. We express the hope that the Security Council, which bears the primary responsibility for the maintenance of international peace and security, will take decisions designed to halt any further hostile acts by the United States against Libya and to prevent actions that pose a threat to international peace and security.

The PRESIDENT: I thank the representative of Mongolia for his kind words addressed to me.

The next speaker is the representative of Palestine. I invite him to take a place at the Council table and to make his statement.

Mr. AL-KIDWA (Palestine) (interpretation from Arabic): First of all, I should like to convey our heartfelt condolences to Japan on the death of His Majesty Emperor Hirohito.

I should also like to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. We are proud of you on a personal level, as we are also proud of the privileged relations that unite us with your friendly country of Malaysia.

We should also like to thank the Ambassador of Japan for the exemplary manner in which he conducted the Council's proceedings last month.

We have followed with great concern the incident of the two Libyan aircraft downed by United States naval planes in the Mediterranean. We are perfectly well aware of the dangerous implications that incident has for peace and security in the Mediterranean and for the peace process in the Middle East as a whole. Indeed, the event strikes a blow at peace initiatives and opens the way to war.

In the light of that, and based on our position of principle, we wish to declare our condemnation of that action and express our solidarity with the Libyan Arab Jamahiriya, with its leadership and with the fraternal Libyan people.

Some have argued that the two Libyan aircraft were armed. We do not believe that that represents the main problem. It has now been established that the two aircraft did not attempt to and did not in fact open fire. That being the case, the basic problem with which the Council should, in our view, be dealing is that of identifying the causes that led to the event and then - and this is the essential point - of preventing its recurrence or preventing in the future something even more serious than the event in question in order to preserve peace and security in the region.

(Mr. Al-Kidwa, Palestine)

We believe that the matter should not be considered in technical - that is, in military - terms, but rather in political terms. The United States of America maintains a large military fleet in the Mediterranean. I am referring to the Sixth Fleet, as everyone knows. That fleet has recently engaged in important military manoeuvres. Most recently, the United States Administration has increased the tension in the political climate and in its relations with the Jamahiriya because of the pharmaceutical plant that the Administration alleges to be a factory for the manufacture of chemical weapons.

That is the political context in which we must place the recent action. No one can pretend that assembling a naval fleet in a given region does not increase tensions and bring the political climate there to a boiling point - especially given the psychological conditioning of the troops - and at the same time allege - if that is what is intended - it is doing so in order to prevent just such restricted military confrontations, isolated or not. Responsibility for such confrontations - aside from technological considerations - in this case rests with those that have created such a situation.

I believe that States with military capabilities - and in particular the two super-Powers, given the special responsibilities incumbent upon them - must opt for moderation and restraint when it comes to their military presence or their political conduct. Otherwise, political relations would be reduced to chaos and the law of the jungle would inevitably gain the upper hand.

(Mr. Al-Kidwa, Palestine)

While we condemn this event, our priority must be to safeguard the future. For that reason, we believe that it is essential to eliminate political tension in the region. More specifically, we should relax tensions between the United States of America and the Libyan Arab Jamahiriya. We call upon the United States of America, one of the super-Powers, to heed the appeal of the Libyan Arab Jamahiriya to enter into a dialogue to discuss their dispute. Only in that way, and in that way alone, will it be possible to resolve the problems which divide them.

With regard to the pharmaceutical factory, we reaffirm the sovereignty of the Libyan Arab Jamahiriya, and we also support its offer to subjecting that installation to the procedures provided by international agencies and under relevant international instruments.

At the same time we would invite the United States, as well as the other parties concerned, to adopt a balanced and fair position vis-à-vis possession of weapons of mass destruction by States in the region. In other words, one single position should be adopted towards all those who have chemical, nuclear or any other types of weapons. We are convinced that the Arab side would respond favourably to any position designed to lead to freeing the region from chemical, nuclear or any other weapons of mass destruction.

The Middle East and the Mediterranean as a whole form a region that is vital and essential to our planet. We hope that it will become a true haven of peace and that its tranquil waters will form part of our peaceful world.

On behalf of the Palestinian people, I wish to thank the members of the Council who voted in favour of our participation in its debate on the delicate matter before it. We are proud to be seated for the first time behind the nameplate "Palestine". I should like to assure all members of the Council that the

(Mr. Al-Kidwa, Palestine)

outcome - the victory - we have gained today will contribute in a considerable and positive way to the process of building peace in the Middle East and to the task of building a just and global peace.

The PRESIDENT: I thank the representative of Palestine for the kind words he addressed to me.

Mr. FORTIER (Canada): It was with great sorrow that we learned of the death last Saturday of His Imperial Majesty Emperor Hirohito of Japan. On behalf of the Government of Canada we extend our most sincere sympathies to the members of his family, his Government and the people of Japan.

At the outset, Mr. President, may I take this opportunity to congratulate you on assuming your seat on the Security Council and the presidency of the Council for the month of January. You are filling the shoes of your predecessor, Ambassador Hideo Kagami of Japan, and we congratulate him for his excellent contribution to the work of this body. My delegation also wishes to express its deep appreciation to Argentina, the Federal Republic of Germany, Italy, Japan and Zambia who, during their two-year service on the Council, each contributed so much wisdom to its deliberations.

In addition, I should like to express my gratitude for the kind words of welcome that have been extended to Canada by all those who have participated in our deliberations in the past week. We look forward to working constructively with all of our colleagues on the Council, including those who have joined this body at the same time as we have and to whom I should like to extend my best wishes.

My delegation has listened with great care to all the participants in the debate on the issue now before us. In addition Canada has, outside this Chamber, sought and received information on the incident from both parties. As a result, Canada has reached certain conclusions that must affect our consideration of the draft resolution that was placed before the Council earlier this afternoon.

(Mr. Fortier, Canada)

Canada does not support the draft resolution and will vote against it. While Canada favours the call on all parties to exercise restraint in the aftermath of the incident of 4 January and to resolve their problems by peaceful means, we have accepted the United States explanation for its actions during the incident. Therefore, we cannot associate ourselves with a draft resolution that contains a one-sided treatment of the incident.

The incident over the Mediterranean took place at a time when tensions throughout the world have been generally decreasing, and after a year in which the Security Council, and the United Nations more broadly, has been able to register concrete progress on many of the most troublesome issues before it. It is my sincere hope, and the sincere hope of the Canadian delegation, that, following the conclusion of our deliberations today, we will be able to put this incident behind us and resume our work on the pressing agenda of issues affecting international peace and security on which the Council has been seeking to reach consensus.

The PRESIDENT: I thank the representative of Canada for his kind words addressed to me.

Sir CRISPIN TICKELL (United Kingdom): Mr. President, others have already welcomed you to your high office, and I add my best wishes to theirs. I also welcome the new members of the Council. Others have likewise thanked your predecessor, the Japanese Ambassador, for his outstanding services in December. I echo what they said. I also record my Government's sympathies at the death of his Head of State, His Majesty Emperor Hirohito, who was held in high honour in my country. Finally, I applaud the work of the members of the Council who left us at the end of 1988.

My delegation has listened with attention to the speeches made in this debate. Some have adopted an objective approach. But some have not wanted to hear the facts. They have also introduced much extraneous matter.

We regret that the incident of 4 January should have taken place. Equally, we regret that conclusions have been drawn from it that are not justified by the facts. In that connection I emphasize the importance my Government attaches to upholding the freedom of ships and aircraft to operate in international waters and airspace and their inherent right to self-defence as recognized by Article 51 of the Charter. We hope that the Council will now draw a line under these events.

In our view the draft resolution before the Council is couched in the wrong terms and proceeds from wrong assumptions. It cannot help the underlying problems to which speakers in the debate have repeatedly referred. We shall therefore vote against it.

The PRESIDENT: I thank the representative of the United Kingdom for his kind words addressed to me.

I shall now make a statement in my capacity as the representative of Malaysia.

(The President)

It is with great sadness that the Malaysian delegation learned of the passing of His Majesty Emperor Hirohito of Japan. My delegation wishes to associate itself with the expression of profound condolences to the Government and people of Japan on this sad occasion.

I should like to welcome Canada, Colombia, Ethiopia and Finland to the Council. I join others in paying a tribute to the representatives of the five outgoing members of the Council - Argentina, the Federal Republic of Germany, Italy, Japan and Zambia - for the valuable contribution they have made to the work of the Council during their terms of membership. Let me also convey my deep appreciation and gratitude to Ambassador Hideo Kagami, Permanent Representative of Japan to the United Nations, for having so admirably guided the work of the Council during the month of December 1988.

Given the gravity of this incident, the Malaysian delegation is compelled to state its position. We regard the incident as extremely serious and fraught with possible ramifications. The Foreign Minister of Malaysia issued a statement at the time of the incident, which states:

"Malaysia takes a very serious view of the escalation in United States action against Libya, especially in the light of recent unproven allegations by the United States of a Libyan attempt to produce chemical weapons. The build-up in the confrontation between the two countries runs counter to the peace process in the region and elsewhere and can only be viewed as a negative development which will further exacerbate the already delicate situation in the area. Malaysia, therefore, urges the United States to exercise the utmost restraint and to respect the sovereignty and inviolability of small States."

The record of antipathy between the United States and Libya goes back several years. The Security Council has been the recourse for Libya's grievances since

(The President)

1981 and on several occasions after that. Seen in that perspective this present incident cannot be unrelated but adds up to taking an adversarial view of Libya.

Malaysia is alarmed that the United States should appear set on this course. Malaysia finds this in disconcerting contrast to the constructive efforts of the United States, particularly in the last years, which have added the critical element in advancing serious prospects for peace in many parts of the world. The role of the United States in that direction is much valued and more is needed, particularly in the Middle East.

Given the awesome power of the United States, none of its actions can be seen in isolation. All such actions of a major Power will have ramifications. This present action affects not only Libya but can cut deeply into the hopes and the achievements accrued in these fruitful years. It injects - again unnecessarily - tension in an area that remains yet brittle, albeit evolving for the better where the United States position vis-à-vis the countries of the area is a critical factor in realizing peace.

The pursuit through collective action through the United Nations of the resolution of conflicts in various parts of the world stands at this moment at a high level of realization. Seemingly intractable issues are being viewed with discernible hope. It has been a very long road to reach this point, and many, including the United States, have played constructive and critical roles. Malaysia appeals to the United States to consider the larger interests. We are possibly on the threshold of an international era where commonly reinforcing actions of States can bring about defusing of tensions and resolution of conflicts. No accident or incident should jeopardize that process.

The Security Council will not be living up to its responsibilities if it does not assert strongly that actions of States conform with international obligations in compliance with the norms regulating relations, particularly respect for

(The President)

sovereignty and inviolability and refraining from the threat or use of force against States.

I now resume my function as President of the Council.

It is my understanding that the Council is ready to proceed to vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall call on those members of the Council who wish to make statements before the voting.

Mr. BROCHAND (France) (interpretation from French): In a dangerous situation which we do not minimize, France, which is concerned above all with lessening tensions in that part of the world, which is close to it in many respects, has appreciated the genuine efforts towards moderation made by all sides during this debate. That is why my country, owing to the imprecise nature of the circumstances in this situation, would have liked to be able at least to abstain on a milder text, particularly with regard to operative paragraph 3 of the draft resolution before us.

(Mr. Brochand, France)

Unfortunately, my country, as it clearly indicated during prior discussions, could not give its approval to a text which appears to us to be insufficiently balanced because of the absence of elements that would permit us to decide with certainty between two contradictory versions of the facts. I note in this respect that the reference made to the definition of aggression could imply a deliberate will on the part of the United States to create the incident that all of us deplore. Similarly, the difference in the terminology employed in the same paragraph between Libyan "reconnaissance planes" and the "armed forces of the United States" presents a problem.

Finally, France reaffirms its commitment to the principle of freedom of navigation, in international space, on the sea and in the air, which seems to be questioned, at least implicitly, in operative paragraph 2, which mentions the question of manoeuvres.

For those reasons, my country is compelled to vote against the draft resolution before us.

Mr. TORNUDD (Finland): My delegation welcomes the efforts that have been made by the sponsors to draft a resolution on the airplane incident that could receive wide support among the members of the Security Council. However, we consider that the text is still out of proportion with the incident itself, particularly because of operative paragraph 2. With some reservations, we could have concurred with the rest of the text, but Finland will not be able to vote in favour of the draft resolution as it now stands.

Mr. OKUN (United States of America): The United States will vote against this draft resolution. Its clear purpose is to criticize the United States for actions, taken in self-defence, that are entirely lawful and consistent with the United Nations Charter. The draft resolution, moreover, contains language

(Mr. Okun, United States)

inconsistent with the principle of freedom of navigation in international waters, a matter which should concern all nations.

Permit me to review briefly and dispassionately the facts of this incident, which some have sought to obscure during the debate. Ships and aircraft of the United States Navy were conducting routine operations on and over international waters, far from the shores of Libya. They had conducted similar operations several times in the previous year, in similar locations. Unlike other Libyan aircraft that had previously observed such operations, the two Libyan aircraft in question did not fly in routine observation patterns. They flew flight patterns consistent with aggressive, hostile intent, and when our pilots attempted to evade them the Libyan pilots pursued, repeatedly.

These were not unarmed Libyan reconnaissance aircraft, as the Council has been told. They were highly sophisticated fighter aircraft, and we have shown the Security Council and the world photographic proof that they were armed. Faced with that combination of equipment and behaviour, our pilots were wholly justified in concluding that they were in imminent danger of being fired upon, and they exercised their irrefutable and legitimate right of self-defence under Article 51 of the Charter, as we promptly informed the Council.

I should like to emphasize that this unfortunate incident, which has occupied so much of the Security Council's time, was an isolated incident. It was not related to anything else in our relations with Libya, as some have repeatedly asserted. We were going peacefully about our business, on the high seas, far from Libyan waters and airspace. We did not seek confrontation then, and we do not seek it now. We consider this incident closed.

We cannot, however, ignore the insinuations that have been raised in this debate and in the draft resolution being voted. Therefore, we must oppose the draft resolution.

The PRESIDENT: I shall now put to the vote the draft resolution contained in document S/20378.

A vote was taken by show of hands.

In favour: Algeria, China, Colombia, Ethiopia, Malaysia, Nepal, Senegal, Union of Soviet Socialist Republics, Yugoslavia

Against: Canada, France, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Brazil, Finland

The PRESIDENT: The result of the voting is as follows: 9 in favour, 4 against and 2 abstentions. The draft resolution has not been adopted owing to the negative vote of a permanent member of the Security Council.

The representative of the Libyan Arab Jamahiriya has asked to speak, and I now call on him.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): I should like at the conclusion of this debate to express the thanks and appreciation of my delegation to the large number of Member States that have participated in the discussion and to those who expressed their full support for my country and its legitimate right to request a meeting of the Council, which is supposedly responsible for the maintenance of international peace and security. I should also like to express our thanks to those who condemned the act of aggression committed against my country, which resulted in the downing of two Libyan reconnaissance aircraft. We also cherish the universal support given by peace-loving Powers throughout the world.

It goes without saying that, as a small State, Libya also cherishes its membership in this international Organization. We have come to the Security Council on more than one occasion to request the Council to take the proper and

(Mr. Treiki, Libyan Arab
Jamahiriya)

necessary action to put an end to aggression and to establish international peace and security. However, in view of what we have just heard and in view of the use, or rather the abuse, of the veto power by some Member States, we feel that the Council has been paralysed and thus has not been able to take the action that it should have taken.

Our delegation is disappointed because the call for dialogue and for peace in the draft resolution, which has faced and continues to face difficulties, has now been aborted by the exercise of the veto power against a draft resolution that called upon all parties to exercise restraint and upon the Secretary-General to seek peaceful solutions of existing differences.

(Mr. Treiki, Libyan Arab
Jamahiriya)

As we have in the past, we would again at this moment like to stress that we seek peace and that we are willing to enter into a dialogue to solve outstanding problems. We have categorically stated that we would like to resolve all outstanding problems with the United States of America, and we are willing to engage in dialogue. However, that proposal has consistently been met with direct aggression, which has taken the form of the bombing of Libyan cities and of the downing of the two Libyan aircraft.

Since the beginning of the current United States Administration we have been the target of disinformation campaigns that are well known to all. We have been the target of campaigns of provocation and the victim of direct acts of aggression. What took place over the past few days could not be isolated from what has been taking place over the past few months in terms of direct threats. Recourse to the so-called inherent right to self-defence and the invocation of Article 51 of the Charter have now become all too familiar. They are misinterpretations of the provisions of Article 51 used to justify aggression.

We had hoped that in the atmosphere of relaxation that prevailed during the past year, one in which encouraging and positive results were achieved, the current United States Administration, whose term will fortunately come to an end in a few days, might have ended on a positive note. Yet that Administration has insisted upon concluding its term of office with threats and the commission of acts of aggression against small States, including my country. Despite our sense of disappointment, and notwithstanding a feeling of bitterness among the majority of members of the Security Council as a result of the conclusion of the debate, we remain confident that the appeal for peace that has been made here in the Security Council will eventually meet with a positive response in the ranks of the American people and from the officials of the new Administration, which we hope will

(Mr. Treiki, Libyan Arab
Jamahiriya)

recognize that peace and justice are the paths to security, that the method of the big stick will not be useful and that dialogue and the peaceful resolution of problems is the only viable way to achieve peace.

I should like to reiterate once again our thanks and appreciation to all those who defended the rights of peoples of the small States and to those who, because of special circumstances could not vote as they should have. We well understand the circumstances under which they have acted.

We also wish to express our special thanks and appreciation to you, Mr. President, for your efforts.

The PRESIDENT: There are no further speakers inscribed on my list for this meeting. The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 6.25 p.m.